

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MOHAMMAD AMIN OSMAN)

Petitioner,)

vs.)

Civil Action No. 1:19-cv-955-RDA-IDD

SARAH TAYLOR, District Director)

Washington District Office)

U.S. Citizenship and Immigration Services,)

et al.,)

Respondents.)

AGREED ORDER

In this action, petitioner Mohammad Amin Osman asks this Court to compel U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate his application for naturalization, or, in the alternative, to *itself* adjudicate Petitioner’s application for naturalization. Petitioner has filed his petition in this Court under 8 U.S.C. § 1447(b), which authorizes judicial review of a naturalization application (or remand to USCIS with instructions) after the application has been pending for 120 days after the date on which the agency conducts its examination of the application. *See* 8 U.S.C. § 1447(b). Once a lawsuit under § 1447(b) has been filed in district court, USCIS can no longer adjudicate a naturalization application unless the district court, under the express authority of 8 U.S.C. § 1447(b), remands the application to the agency. *Etape v. Chertoff*, 497 F.3d 379, 383 (4th Cir. 2007).

USCIS has represented to petitioner’s counsel that it will adjudicate petitioner’s pending naturalization application within 30 days of a remand to the agency under 8 U.S.C. § 1447(b). In light of this representation, and the fact that the “vast majority of courts that have exercised

jurisdiction over a case pursuant to § 1447(b) have remanded the matter back to CIS,” *see, e.g., Roberts v. Holder*, No. 11-1941, 2012 WL 2563880, at *2 (D. Md. June 29, 2012), the parties respectfully jointly request that this Court remand the matter to USCIS for the adjudication of petitioner’s naturalization application within 30 days of remand.


Accordingly, for good cause shown, it is hereby

ORDERED that, pursuant to 8 U.S.C. § 1447(b), this case is remanded to U.S. Citizenship and Immigration Services to adjudicate Petitioner Mohammad Amin Osman’s application for naturalization within thirty (30) days of the date of this order; and it is further

ORDERED that each party shall bear its own costs and fees incurred to date.

Date: September 16, 2019

UNITED STATES DISTRICT JUDGE

/s/ 
Rossie D. Alston, Jr.
United States District Judge

WE ASK FOR THIS:

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Date: September 11, 2019

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